

4732. Adulteration and misbranding of cognac, and misbranding of "Liquore St. Rega." U. S. v. Adolph Voltter. Plea of guilty. Fine, \$50.
(F. & D. No. 7201. I. S. Nos. 1365-k, 1367-k.)

On May 4, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Adolph Voltter, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on May 8, 1914, from the State of New York into the State of Ohio, of quantities of cognac and "Liquore St. Rega," the first of which was adulterated and misbranded, and the latter misbranded.

The cognac was labeled: (Neck label) (Design of three stars) "Grande Fine Champagne." (Main label) (Design of shield) "Trade Mark Cognac Type Fin Vieux Brandy Alarqu d' Armoiries Net Contents 23 ounces A Compound Guaranteed by The General Importing Co., N. Y. Serial No."

Analysis of a sample of this article by the Bureau of Chemistry of this department showed the following results, expressed as parts per 100,000 of 100° proof spirits unless otherwise stated:

Proof at 60° F. (degrees)-----	72.8
Total acids (as acetic)-----	10.7
Esters (as acetic)-----	4.8
Fusel oil (as amyl alcohol)-----	3.6

Product was a mixture of neutral spirits and alcohol.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, neutral spirits, had been substituted, in whole or in part, for cognac (or cognac type or fine old brandy, as the case might be), which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Cognac," borne on the label of the bottle, regarding the article and the ingredients and substances contained therein, was false and misleading in that it indicated that the article was cognac, a brandy produced in the Cognac district of France, and for the further reason that it was labeled "Cognac" so as to deceive and mislead the purchaser into the belief that it was cognac, a brandy produced in the Cognac district of France, whereas, in truth and in fact, it was not, but was a mixture largely composed of neutral spirits, produced in the United States of America. Misbranding was alleged for the further reason that the statement in French and English, to wit, "Fin Vieux Brandy," borne on the label of the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it indicated that the article was fine old brandy; and for the further reason that the article was labeled as afore-said so as to deceive and mislead the purchaser into the belief that it was fine old brandy, whereas, in truth and in fact, it was not, but was a mixture composed largely of neutral spirits. Misbranding was alleged for the further reason that the article was a product produced in the United States of America, to wit, the city of New York, State of New York, and purported to be a foreign product, to wit, a cognac produced in the Cognac district of France.

The "Liquore St. Rega" was labeled: (On neck and sticker) "Marca di Fabrica Depositata" (Representation of coat of arms.) (Main label) "Gran Liquore Della St. Rega Specialita Italiana" (Representation of coats of arms and medals.) (Back label) "Net Contents 23 Ounces Artificial Coloring Guaranteed by A. Voltter Under Pure Food and Drugs Act June 30, 1906. Serial No. 54159."

Analysis of a sample of this article by said Bureau of Chemistry showed that it was of the following composition:

Specific gravity at 15.5° C./15.5° C.....	1. 01639
Alcohol (per cent by volume).....	22. 50
Solids (per cent).....	5. 89
Color: Fast yellow. corresponds in all reactions to S. & J. No. 9.	
Potassium cyanid test.....	Negative.
Orange flavor.	

The composition of the product was not similar to that of the genuine imported liquor St. Rega.

Misbranding of this article was alleged for the reason that the statement, to wit, "Gran Liquore Della St. Rega Specialita Italiana," borne on the label thereof, regarding it and the ingredients and substances contained therein, was false and misleading in that it indicated that the article was a foreign product, to wit, a genuine liquor St. Rega, an article produced in the Kingdom of Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a foreign product as aforesaid, whereas, in truth and in fact, it was not, but was an imitation product of domestic origin. Misbranding was alleged for the further reason that the product was an article produced in the United States of America, to wit, in the city of New York, State of New York, and purported to be a foreign product, to wit, a genuine liquor St. Rega, an article produced in the Kingdom of Italy.

On May 12, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*